

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/665,648

For: METHOD AND SYSTEM TO  
PROVIDE BLADE SERVER LOAD  
BALANCING USING SPARE LINK  
BANDWIDTH

**Electronically Filed on 28-OCT-2008**

## REQUEST TO WITHDRAW FROM APPEAL

Dear Sir:

Since the pre-appeal conference was substantially delayed beyond the 45-day period recommended by the USPTO guidelines (the pre-appeal brief conference request was filed on 3/24/08), the Applicant was not notified in a timely manner of the Decision. Consequently, in order to avoid abandonment, the Applicant filed an Appeal

Application. No. 10/665,648

Brief (with a request for a five-month extension) on the five-month due date, 10/24/2008. Since the Decision reopens prosecution and makes the Appeal Brief moot, the Applicant hereby requests withdrawal of the Appeal Brief filed on 10/24/2008. A petition for a full refund of the Appeal Brief fee as well as the five-month extension fee is being concurrently filed.

Date: October 28, 2008

/ Frankie W. Wong /

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